

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 30, 1959  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Assistant Chief of Police.

Invocation was delivered by REV. EVERETT MARTIN, Govalle Baptist Church, 3400 Govalle Avenue.

Councilman White moved that the Minutes of the Meeting of April 23, 1959 be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Lt. Pete Weaver introduced the new police recruits as follows: Marvin Ferrell, William Frensley, Esau Flores, Harold Moe, Thomas Olsen, Bruce Reneau, Larry Templeton, Billie McDavid, Louie White and Brooks Ross. Mayor Miller welcomed the new recruits.

The Mayor welcomed MRS. JOHN BARROW.

Councilman White moved that WILLIAM T. WARD be appointed as Commissioner to sell the east one-third of the north one-half of Lot 7 of the resubdivision of Block 14 of the Maas Subdivision of 252 acres of the George W. Spear League, to W. K. DILL. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE 1, SECTION 5, OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the certain agreement dated April 30, 1959, between the State of Texas and the City of Austin for the procurement of highway right of way for U. S. 183 from Loop 275 East to Interstate Highway 35 in the City of Austin be and the same is hereby approved, and W. T. Williams, Jr., City Manager,

is hereby authorized to execute said agreement on behalf of the City of Austin, and to transmit the same to the State of Texas for appropriate action.

The motion, seconded by Councilman Pearson, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the certain agreement dated April 30, 1959, between the State of Texas and the City of Austin for the procurement of right of way for State Highway No. 71 between East Avenue and Chicon Street in the City of Austin be and the same is hereby approved, and W. T. Williams, Jr., City Manager, is hereby authorized to execute said agreement on behalf of the City of Austin, and to transmit the same to the State of Texas for appropriate action.

The motion, seconded by Councilman Pearson, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE AND HEIGHT AND AREA DESIGNATIONS FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 6 AND 8, BLOCK 11, W. A. HARPER RESUBDIVISION OF BLOCK 11, GROOMS ADDITION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"April 28, 1959

"W. T. Williams, Jr., City Manager

Contract No. 59-D-14

"Following is a tabulation of the bids received at 10:00 A.M., Tuesday, April 28, 1959 for the construction of an open channel in the following area: Shoal Creek in Northwest Park from Searcy Branch to north property line of Northwest Park - Contract No. 59-D-14.

"Larson-Pugh, Inc.	\$10,952.48
Walter W. Schmidt	21,560.00
Ed H. Page	21,991.20
"City's Estimate	\$11,200.00

"I recommend that Larson-Pugh, Inc. with their low bid of \$10,952.48 be awarded the contract for this project.

"S. Reuben Rountree, Jr.  
Director of Public Works"

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 28, 1959, for the construction of an open channel in Shoal Creek in Northwest Park from Searcy Branch to north property line of Northwest Park - Contract No. 59-D-14; and,

WHEREAS, the bid of Larson-Pugh, Inc. in the sum of \$10,952.48 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Larson-Pugh, Inc. in the sum of \$10,952.48 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Larson-Pugh, Inc.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Council went over the conditions set out in the resolution granting a special permit to MRS. FLORENCE E. RICHEY. Councilman Pearson stated he thought some of the conditions were unnecessary. Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Florence E. Richey has filed her application for a special permit under the provisions of Section 10-B, Paragraph 1 of the Zoning Ordinance of the City of Austin; and,

WHEREAS, the said Mrs. Florence E. Richey has appealed the action of the City Planning Commission denying a special permit for a cat and dog hospital at 1701 South Congress to the City Council; and,

WHEREAS, after due notice given to interested parties, the City Council of the City of Austin held public hearings on the matter of granting said special permit and, upon reviewing said application, has found that said application will conform to the requirements of the Zoning Ordinance of the City of Austin when the following conditions have been met:

1. The masonry fence mentioned on the plot plan shall be 6 feet high rather than 4 feet high.
2. The entire building shall be air conditioned with refrigerated air conditioning units and shall be ventilated only by the ventilation inlets provided in such air conditioning units.
3. That before operation commences the balance of the interior of the building shall be sheetrocked and the balance of the exterior and any additions thereto shall be stucco; and the entire building shall have acoustic tile installed on its ceilings.
4. That all windows shall remain closed at all times and that those windows in the south and east walls of the building shall have glass storm sashes installed over them.
5. That the operation be restricted to the operation of a veterinary hospital only, excluding boarding and kennel use.
6. That the building be altered and used in such manner that the passage of noise and odors to the outside is reduced to a minimum.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the special permit heretofore denied by the Planning Commission of the City of Austin for the establishment of a veterinary hospital at 1701 South Congress, in accordance with the application and attached site plan and written specifications, be, and the same is hereby granted subject to compliance with the above conditions and subject also to compliance with any other reasonable conditions which the City may deem necessary to keep the premises sanitary, quiet, and odor free.

The motion, seconded by Councilman Palmer, carried by the following vote:  
 Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller  
 Noes: Councilman White

At 11:00 A.M. the Council opened the Zoning hearings. Councilman Long moved that the hearings be recessed to hear the unfinished business. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
 Noes: None

The Council had before it for action the appeal of NELSON PUETT & ASSOCIATES regarding the width of Lightsey Road. Mr. Thomas Gee represented Mr. Puett. He stated that Mr. Puett was willing to dedicate 70' for the street if the street was not required to be more than 70' but if the street was required to be wider, then Mr. Puett would dedicate 60' which was required for his subdivision, with the city to purchase the rest. Discussion was held on whether or not this was a thoroughfare street and the subdivider would be required to dedicate 80'. The City Attorney explained that this was already a 40' street, and the subdivider would only be required to dedicate 50' to make this a 90' thoroughfare. No action was taken as the Council wanted to go over the Thoroughfare Plan and establish a policy.

Councilman Long moved that the THOROUGHFARE STANDARDS be set for public hearing Thursday May 7th at 3:00 P.M. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
 Noes: None

Pursuant to published notice thereof the following zoning applications were publicly heard:

WILLIAM J. JOSEPH	7509-7511 Burnet Road	From "GR" General Retail
By Herman Jones		To "C-2" Commercial
		RECOMMENDED by the
		Planning Commission

Mr. Herman Jones represented the applicant stating this would be an extension of commercial district and the purpose was to establish a liquor package store. No opposition appeared. The Mayor asked those who wished to grant the change to "C-2" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
 Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

LYDIA LITTMAN  
 By A.W.Vogelpohl

5110-5112 Cameron Road  
 5109-5111 Interregional

From "C" Commercial  
 1st & 5th Height & Area  
 To "C-1" Commercial  
 5th Height and Area  
 RECOMMENDED by the  
 Planning Commission

Mr. A. W. Vogelpohl, Agent, appeared for the change, stating he had a Barbecue place and he wanted to serve beer. No opposition appeared. The Mayor asked those who wished to grant the change to "C-1" Commercial 5th Height and area to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
 Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial 5th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

C. S. FULLERTON

1014 East 51st Street

From "A" Residence  
 To "LR" Local Retail  
 RECOMMENDED by the  
 Planning Commission

Mr. Trueman O'Quinn appeared for the applicant. No opposition appeared. The Mayor asked those who wished to grant the change to "LR" Local Retail to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
 Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

LAURA E. KREBS

4417-4419 Alice Ave.  
 1309 West 45th Street

From "A" Residence  
 To "LR" Local Retail  
 RECOMMENDED by the  
 Planning Commission

Mr. Wallace W. Shropshire represented the applicant stating this was

for the purpose of constructing a filling station. No opposition appeared. The Mayor asked those who wished to grant the change to "LR" Local Retail to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

JOHN H. MELCHING      6107 Grover Avenue      From "A" Residence  
To "B" Residence  
No Recommendation by  
the Planning Commission

Mrs. Melching appeared for the change stating she wanted to operate a beauty shop in her home. No opposition appeared. The Mayor asked those who wished to grant the change to "B" Residence to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

MARION ROSS      6009 Brooks Street      From "A" Residence 1st  
Height & Area  
To "C" Commercial 6th  
Height & Area  
RECOMMENDED by the  
Planning Commission

Mr. Ross appeared in his own behalf, stating this was to be used for future commercial development. No opposition appeared. The Mayor asked those who wished to grant the change to "C" Commercial 6th Height and Area to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial 6th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

MELVIN LEACH

1209 Alguno Road

From "A" Residence  
To "B" Residence  
NOT Recommended by the  
Planning Commission

Mr. Leach appeared stating his wife wanted to operate a beauty shop in the home. No opposition appeared. The Mayor asked those who wished to grant the change to "B" Residence to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

-----

T. A. FAIREY

5404-5414 Manor Road

From "A" Residence  
To "LR" Local Retail  
NOT Recommended by the  
Planning Commission

The Mayor asked those who wished to grant the change to "LR" Local Retail to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: None  
Noes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

The Mayor announced that the change had been DENIED.

-----

CITY OF AUSTIN &  
MRS. PEARL ESCHBERGER  
By Trueman O'Quinn

601-605 Park Place  
2507-2511 San Jacinto

From "B" Residence  
To "LR" Local Retail  
RECOMMENDED by the  
Planning Commission

Mr. O'Quinn represented Mrs. Eschberger. Rev. John Paul Carter, 611 Park Place; Mrs. Frank Dobey, 702 Park Place; Mr. Frank Nagle, representing Delta Tau Delta Fraternity, 2801 San Jacinto; and Mrs. Kathleen Siermann, 612 Park Place opposed the change. They stated the parking was already bad and this would make it worse; that it would create more traffic and Park Place was a narrow street; and that it would not be in the public interest. The Council went over the status of the City property adjacent to Mrs. Eschberger's. The Council continued the hearing until next week.

-----



(1) An underground telephone conduit crossing San Jacinto Street, from a point 23 feet west of the east property line of said San Jacinto Street and 3 feet South of the centerline of East 15th Street to a point on the southerly prolongation of west property line of said San Jacinto Street, the centerline of which underground telephone conduit shall be 3 feet south of and parallel to the centerline of East 15th Street.

THAT the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Mayor Miller brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 9.16 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 14.03 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman Palmer moved that

the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum reasonable and safe speed for the operation of vehicles is fifty (50) miles per hour at the following location:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
East and West Service Roads of the Expressway	Oltorf Street	South City Limits

and,

WHEREAS, after an engineering and traffic investigation, the City Council has found that its previous finding of a maximum reasonable and safe speed of thirty-five (35) miles per hour for the operation of vehicles at the following location should be deleted from Section 33.40 of the Traffic Register:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
East and West Service Roads of the Expressway	Oltorf Street	South City Limits

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and instructed to record these findings in Section 33.40 of the Traffic Register.

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that traffic conditions are such that an urgent need for enforcement of strict limits upon the time of parking of vehicles at the location hereinafter described upon the street makes it advisable to use mechanical devices in

enforcement, and has found that such location should be removed from Parking Meter Zone 60, and placed in Parking Meter Zone 62 as hereinbelow indicated:

<u>FROM</u>	<u>TO</u>	<u>ON</u>	<u>SIDE</u>	<u>LOCATION</u>
Zone 60	Zone 62	Lavaca Street	East	Parking spaces adjacent to Parking Meters Nos. 621 and 623

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the location upon the street of the City of Austin as above described be and the same is hereby removed from Parking Meter Zone 60, and placed in Parking Meter Zone 62, and that the City Clerk be, and she is hereby authorized and instructed to record this finding in Section 33.43 of the Traffic Register.

The motion, seconded by Councilman Pearson, carried by the following vote:  
Ayes: Councilmen Dong, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the West Austin Optimist Little League has requested permission to use property owned by the City of Austin for the purpose of developing three little league baseball diamonds and other recreational facilities for use by the youth of the City of Austin; and,

WHEREAS, the City Council of the City of Austin has found and determined that the use of said property for the purposes of little league baseball and other sports activities by the youth of the City of Austin would be for a public purpose and in the interest of the public health and general welfare of the citizens of the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That the West Austin Optimist Little League be and it is hereby authorized to use, occupy, and improve that certain portion of the Sand Beach Reserve owned by the City of Austin shown on the map or plat attached hereto marked Exhibit "A" for the purpose of developing three little league baseball diamonds and other sports activities for the use by the youth of the City of Austin.

PART 2. The West Austin Optimist Little League organization is hereby authorized to place upon the property hereinbefore described all improvements and facilities necessary for the development of little league baseball diamonds and other sport facilities.

PART 3. The City Clerk is hereby directed to file for permanent record in the office of the City Clerk copies of this Resolution.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the expansion of the electric generating facilities of the City of Austin by the construction of a 100,000 kilowatt steam generating plant on the north bank of the Colorado River west of Pedernales Street; and,

WHEREAS, the City Council has found and determined that the construction and operation of said 100,000 kilowatt steam generating plant necessitates the creation, construction, and maintenance of a railroad track extending from a point in East 5th Street in the City of Austin west of its intersection with Pedernales Street southerly on Pedernales Street to the location of said steam generating plant; and,

WHEREAS, the City Council has found and determined that the hereinafter described land must be acquired in order to provide right of way necessary for the construction of such railroad track; and,

WHEREAS, the City of Austin has negotiated with the owners of such land and has been unable to agree with such owners as to the fair cash market value thereof; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders of such land, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land:

0.095 of one acre of land, same being out of and a part of that certain portion of Outlot 10, Division 0 of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas; which was conveyed to B. O. Willhoite et ux Irene Willhoite by the following three (3) Warranty Deeds:

(1) Dated February 11, 1943 of record in Volume 707 at page 624 of the Deed Records of Travis County, Texas.

(2) Dated March 18, 1942 of record in Volume 694 at Page 284 of the Deed Records of Travis County, Texas.

(3) Dated August 17, 1942 of record in Volume 706 at Page 347 of the Deed Records of Travis County, Texas; said 0.095 of one acre of land being more particularly described by metes and bounds as follows:

BEGINNING at a galvanized pin set at the point of intersection of the south line of East 5th Street, same being the north line of the said B. O. Willhoite et ux tract of land, with the curving northeast line of the herein described tract of land said curve having an intersection angle of  $90^{\circ} 12'$  a radius of 271.45 feet and a tangent distance of 272.40 feet, and from which point of beginning the northeast corner of the said B. O. Willhoite et ux tract of land bears  $S 67^{\circ} 14' E 108.80$  feet;

THENCE, with the said curving northeast line of the herein described tract of land along a curve to the right an arc distance of 149.24 feet the sub-chord of which arc bears  $S 24^{\circ} 24' E 147.36$  feet to a galvanized pin set in the east line of the said B. O. Willhoite tract of land same being the west line of Pedernales Street;

THENCE, with the east line of the said B. O. Willhoite tract of land  $S 23^{\circ} 14' W 48.04$  feet to a galvanized pin set in the curving southwest line of the herein described tract of land said curve having an intersection angle of  $90^{\circ} 12'$  a radius of 249.45 feet and a tangent distance of 250.32 feet;

THENCE, with the said curving southwest line of the herein described tract of land along a curve to the left an arc distance of 233.66 feet the sub-chord of which arc bears  $N 26^{\circ} 04' W 225.20$  feet to a galvanized pin set in the north line of the said B. O. Willhoite tract of land same being the south line of East 5th Street;

THENCE, with the north line of the said B. O. Willhoite tract of land  $S 67^{\circ} 14' E 61.86$  feet to the point of beginning.

The motion, seconded by Councilman Pearson, carried by the following vote:  
 Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
 Noes: None

The Council had before it the request of Sheriff T. O. Lang for six (6) parking spaces on the west side of Guadalupe in front of the County Courthouse to be reserved for the Sheriff's Department. Councilman Long moved that the six (6) spaces be granted. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
 Noes: None

The City Manager reported that the Council was invited to GOODWILL INDUSTRIES, 107 East 5th Street, Monday May 4th at 11:00 A.M.

The Assistant City Manager reported that 30 or 40 members of the Alice Chamber of Commerce were making a tour and would be in Austin Thursday, May 7th and would visit the Council Meeting and the Council was invited to have lunch with them.

Councilman Long stated that the IJLAC CLUB had rented the Coliseum for May 5th and they would like to have permission to decorate it the night before.

The Council informally agreed to grant the permission and Mr. Blodgett was asked to call Mr. Vickers.

The Assistant City Manager brought up a request from Buck Avery to hang a banner across Congress Avenue from May 1 to May 12. Councilman Long moved that the permission be granted subject to supervision of the City Manager. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman Long moved that one (1) extra parking space be granted at the Mexican Consulate. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

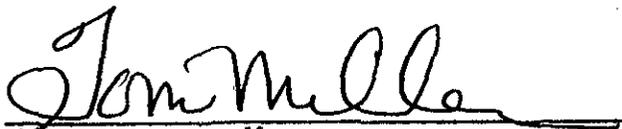
The Council received notice from the City Manager that the following zoning applications had been referred to the Plan Commission was set for public hearing before the Council on May 28, 1959:

N. I. CARLEDGE ESTATE By Thomas Black	405 West 21st Street 2007-13 San Antonio	From "B" Residence To "GR" General Retail
NASH PHILLIPS & CLYDE COPUS, JR., By Marvin Turner Engineers	6305-6433 Cameron Road 1301-1307 Wheelless Lane	From "A" Residence To "GR" General Retail
HENRY G. SANDERS	4601-4603 E.12th Street 1165E-1173E Springdale Road	From "A" Residence To "IR" Local Retail
HENRY G. SANDERS	1200-1202 Springdale Rd. 4124-4128 E. 12th St.	From "A" Residence To "IR" Local Retail
L. L. McCANDLESS	900-912 E. 24th Street 2400-2408 Cole Street 901-911 Wahrenburger 2401-2409 Swisher	From "O" Office To "C" Commercial
ROBERT M. & CLARA LEWIS	3303 Robinson Avenue	From "A" Residence To "B" Residence
MANOR GONZALES, Owner CARLOS DIAZ, Purchaser	2804 Webberville Road	From "C" Commercial To "C-1" Commercial
ALVIS A. & MAURINE B. THOMASON	3905 Red River	From "A" Residence To "B" Residence

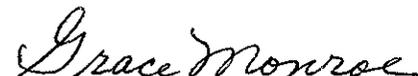
N. M. MORRIS	8129 North Lamar Boulevard	From "C" Commercial To "C-1" Commercial
ALLANDALE HOMESITES, INC., Owner & FRANK DYKE, Purchaser	Tract 1: 2406-2408 Greenlawn Pky. Tract 2: 2410 Green- lawn Pky.	From "C" Commercial To "C-1" Commercial From "C" Commercial To "C-2" Commercial
CHESTER D. BROOKS	120 & rear of 112-118 Chicon Additional Area: 110 & 118 Chicon & rear of 110 & 200-204 Chicon	From "A" Residence To "C" Commercial
CITY PLANNING COMMISSION	4401-4415 Alice Avenue	From "A" Residence 1st Height & Area To "LR" Local Retail 5th Height & Area
CITY PLANNING COMMISSION	1009-1023 E. 52nd Street 5104-5106 Interregional Highway	From "A" Residence To "LR" Local Retail
BOARD OF TRUSTEES LULING PUBLIC SCHOOLS, Owner & ARTHUR E. PIHLGREN, Agent	4814 East Avenue (Interregional Hwy.)	From "A" Residence To "GR" General Retail
FRANK C. BARRON	2500-2507 Manor Circle	From "A" Residence To "BB" Residence

There being no further business, the Council adjourned at 1:15 P.M.,  
subject to the call of the Mayor.

APPROVED

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Assistant City Clerk